

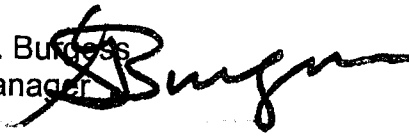


MEMORANDUM

Agenda Item No. 11(B)4

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Date: December 16, 2003

From: George M. Burgess
County Manager 

Subject: City of Hialeah Gardens
Annexation Proposal

RECOMMENDATION

It is recommended that, following the required public hearing, the Board of County Commissioners direct the County Attorney to prepare an appropriate ordinance accomplishing the annexation of the area bounded on the north by NW 170th Street, on the south by Miami Canal, on the west by the Homestead Extension of the Florida Turnpike and on the east by NW 107th Avenue, into the City of Hialeah Gardens, contingent upon an interlocal agreement in which the City agrees to the following:

- to pay the pro rata share of debt service related to the Stormwater Utility Revenue Bonds;
- to mitigate 100-percent of the adverse impact to the UMSA budget for the Northwest Commercial Business Industrial (CBI) area within the proposed annexation boundaries, and that the mitigation calculation be based on a millage rate of .506 mills.; and,
- to adhere to the County's Comprehensive Development Master Plan process for Urban Development Boundary (UDB) changes and for land uses outside the UDB.

The annexation proposal has received a positive recommendation from both the Planning Advisory Board and the Boundaries Commission.

BACKGROUND

On November 19, 2002, the City of Hialeah Gardens Council, pursuant to a required public hearing, approved Ordinance 2002-51 requesting that Miami-Dade County effect the annexation of the subject area into the City's jurisdiction. On May 20, 2003, Mayor De La Cruz of Hialeah Gardens submitted amendments to the City's annexation request, modifying the boundaries, land uses and zoning for the proposed annexation area.

September 18, 2003

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The City of Hialeah Gardens' annexation request is for an area bounded on the north by NW 170th Street, on the south by Miami Canal, on the west by the Homestead Extension of the Florida Turnpike and on the east by NW 107th Avenue (map attached).

ANALYSIS

Land Use

The County's Comprehensive Development Master Plan (CDMP) land use designation for the proposed annexation area outside of the Urban Development Boundary (UDB) is "Open Land." The CDMP land use designations in the proposed annexation area are "Industrial and Office," "Business and Office," "Low Density Residential" and "Estate Density Residential."

The current land uses in the proposed annexation area are predominantly rock mining, agriculture and solid waste dumping activities with a small (24-acre) pocket of sparsely residentially developed land located between NW 97 and NW 107 Avenues.

Facilities and Services

Police – In its original application, the City stated that annexing the area would more than likely require an additional patrol zone that the City would establish incrementally, as development occurs. Three new police officers would be required to cover basic services to the area.

The City of Hialeah Gardens Police Department includes a Patrol Division, General Investigation, Motorcycle Section, Community Policing Section, DARE Office, K-9 Officer, and Gang Officers. This includes thirty-six (36) sworn officers, five (5) communication officers, one (1) records/communication supervisor, six (6) civilian clerks and one (1) chief of police. This amounts to 1.9 officers per thousand residents. This is a paramilitary operation with a direct line of field supervisors to subordinate ratio of no more than one to six. The Hialeah Gardens Police Department divides the City into grids with one police officer assigned to each grid at all times. Each grid officer has field officers and personnel available for additional support.

Fire and Rescue – The City of Hialeah Gardens is part of the Miami-Dade Fire Rescue District, therefore, annexation of the area by Hialeah Gardens will not have a negative fiscal impact on the District. According to the application, the area is served by the County's Hialeah Gardens Fire

Rescue Station (Station 28) and the County's Medley Fire Rescue Station (Station 46).

Water and Sewer – The entire annexation area is within the Miami-Dade Water and Sewer Department (WASD) water and sewer service areas, with the exception of one parcel south of NW 138 Street. In accordance with Ordinance No. 89-15, as development occurs in the future, WASD would determine its ability to serve the property. If WASD is unable to provide service to the area, releases would be considered in accordance with the ordinance.

Solid Waste - In the annexation application, City officials state that Waste Management handles removal of solid waste. The City provides, through Waste Management, two weekly garbage pick-ups, one weekly recycling pick-up, and one monthly bulk trash pick-up for all households. The City proposes to serve the annexation area through its contract with Waste Management. However, pursuant to Ordinance 96-30, since the City does not have a long-term disposal interlocal agreement with the County, the area proposed for annexation will remain part of the County's waste service area. If the City were to enter into a twenty-year waste disposal commitment with the County, the Department of Solid Waste Management (DSWM) could opt to delegate waste collection responsibilities to the City, provided that the cumulative effect of annexations that have taken place since February 16, 1996, do not significantly impact the DSWM's ability to meet debt coverage or to hold down the cost of collection services.

Street Maintenance – The City of Hialeah Gardens maintains all streets within its jurisdiction with the exception of State and County roadways. The City's Public Works staff or third party engineering contractors perform the work. The County's Public Works manual has been adopted by the City to identify design and construction standards, as well as maintenance procedures.

Parks and Recreation – According to statements in the application, new development in the proposed annexation area will be subject to the City's open space requirement. The City requires 2.75 acres of public parks and open space per one thousand people. Currently, there are no parks in the area.

Annexation Guidelines:

The following analysis addresses the factors required for consideration by the Boundaries Commission pursuant to Chapter 20 of the County Code.

1. **The suitability of the proposed annexation boundaries, in conjunction with the existing municipality, to provide for a municipal community that is both cohesive and inclusive.**

- a) **The area does not divide a Census Designated Place, (an officially recognized traditional community).**

The proposed annexation area is entirely located outside a Census Designated Place (CDP). The City of Hialeah Gardens is located immediately to the east and south of a portion of the proposed annexation area while the Town of Medley is located immediately to the south.

- b) **In no adjacent unincorporated area have a majority of ethnic minority or lower income residents petitioned to be in the annexation area.**

No adjacent unincorporated areas have a majority of ethnic minority or lower income residents that have petitioned to be in the annexation area.

**Population By Race and Hispanic Origin
City of Hialeah Gardens Proposed Annexation, 2002-03**

	Hialeah Gardens	Miami-Dade
Population Characteristics, 2000	7	2,253,362
Percent Hispanic Origin	100.0	57.3
Percent White, Not Hispanic	0.0	20.7
Percent Black, Not Hispanic	0.0	19.0
Percent Other Not Hispanic	0.0	3.0

Source: U.S. Census Bureau, Census 2000 Summary File1,
Miami-Dade County, Department of Planning and Zoning, 2002.

- c) **The area is not, nor does not create, an unincorporated enclave area (surrounded on 80 percent or more of its boundary by municipalities) that cannot be efficiently or effectively served by the County.**

The municipalities of Hialeah Gardens, Hialeah, and Medley bound portions of the proposed annexation area. The adjacent municipal boundaries do not cover 80 percent of the subject area's boundaries; therefore, the annexation of the area will not result in an enclave.

- d) The boundaries are logical, consisting of natural, built, or existing features or city limits.**

NW 170 and NW 138 Streets bound the area on the north, on the east NW 107 and NW 97 Avenues, on the south Okeechobee Road and NW 137 Street/City of Hialeah Gardens, and on the west NW 117 Avenue. The above referenced boundaries are logical and consist of existing or platted features.

- 2. The existing and projected property tax cost for the municipal-level service to the average homeowners in the area currently as unincorporated and as included as part of the annexing municipality.**

The existing property tax cost for the municipal-level service to the average homeowners in the area currently as unincorporated is 2.447 mills, or \$2.45 per thousand dollars of assessed value. If the area is annexed to the City of Hialeah Gardens the municipal-level millage will increase to 6.120 mills, or \$6.12 per thousand dollars of assessed value.

	<u>Millage Rate</u>
<u>City of Hialeah Gardens</u>	
Municipal Millage	6.120
<u>Unincorporated Area</u>	
UMSA Millage	2.447
Increase	3.673

- 3. Relationship of the proposed annexation area to the Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan (CDMP).**

The proposed annexation area is partially outside the Urban Development Boundary of the County's Comprehensive Development Master Plan (CDMP). The area bounded by NW 170 Street, NW 107 Avenue, NW 154 Street and NW 117 Avenue, as well as the area bounded by NW 154 Street, the Florida Turnpike, Okeechobee Road and NW 117 Avenue are completely outside the County's UDB. The area outside the UDB and east of the Turnpike is located inside the 2015 Expansion Area Boundary. The

County's Land Use Policy 2B states that "priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the Land Use Plan Map (LUP)."

The 2015 Urban Expansion Area is the area where current projections indicate that further urban development beyond the 2005 UDB is likely to be warranted some time between the year 2005 and 2015. Until these areas are brought within the 2005 UDB through the Plan review and amendment process, they are allowed to be used in a manner consistent with the provisions set forth for lands designated "Open Land." Permitted uses include rural residential development at one dwelling unit per five acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communication facilities, recreational uses and seasonal agriculture may all be considered for approval in this land use category.

4. Impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to efficiently and effectively provide services to the adjacent remaining unincorporated area.

The total taxable value of the annexation area is \$30 million. The area generates approximately \$89,000 in UMSA revenues. The County expends approximately \$68,000 per year providing services. Therefore, the net revenue loss to UMSA is approximately \$21,000.

The annexation area contains a portion of the Northwest Commercial Business Industrial (CBI) area. Based on an agreement with the Town of Medley that annexed a part of the same CBI, and an agreement with the City of South Miami regarding annexation of a part of the Dadeland CBI, mitigation for the CBI area should be based on a millage rate and equal to 100 percent of the surplus revenues. For the proposed Hialeah Gardens annexation area, the City would be responsible to pay .506 mills to the County. Currently, .506 mills is equivalent to \$13,342. Mitigation based on a millage rate would permit the County to capture the value of any new development and any increase in the Certified Final Roll on which the contribution amount is based.

Agreements reached with recent annexations include payment to the County for the proposed annexations area's pro rata share of the remaining stormwater utility debt service. For the Hialeah Gardens annexation, the amount paid to the County is calculated at \$15 per year, until the year 2024. This will ensure the revenues pledged toward the debt service remain in tact and that the bonds are not impaired.

It should be noted that pursuant to section 20-8.1 and 20-8.2 of the County Code, the County retains the franchise fees for the term of the franchise agreement and utility tax revenues in perpetuity of the area upon annexation. For the proposed Hialeah Gardens annexation franchise fees in the amount of \$9,000 and utility taxes in the amount of \$22,000 will be retained by the County.

5. Fiscal impacts of the proposed annexation on the remaining unincorporated area. Specifically, does the per capita taxable value of the area fall within the range of \$20,000 to \$48,000?

The per capita taxable value is \$4.4 million. However, it should be noted that there are only an estimated seven (7) residents in the area, and the area is essentially undeveloped.

6. Consistency with the Land Use Plan of the County's Comprehensive Development Master Plan (CDMP).

The County's Comprehensive Development Master Plan (CDMP) land use designation for the area outside the UDB is "Open Land."

The County's "Open Land" land use designation is for lands not needed for urban uses between now and the year 2005 and has been set aside for uses other than urban development. The portion of the annexation area designated "Open Land" is located within the "Open Land Subarea 1 - Snake-Biscayne Canal Basin." The CDMP states that this subarea is located north of the Miami Canal (Canal 6) in northwestern Miami-Dade. It also states that rural residential at one dwelling unit per five acres, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communication facilities, recreational uses and seasonal agriculture may be considered for approval in this subarea. Uses that could compromise groundwater quality shall not occur west of the turnpike.

The City's proposed land use designation for the area outside the UDB is "Open Space." The City's proposed park use on the lands outside the UDB is consistent with the County's Open Land designation of the CDMP. However, if the property owners in the area object to the open space designation, the City may want to consider adopting the County's Open Land designation.

The Charter, the Code of Miami-Dade County and the Comprehensive Development Master Plan, all provide the County with some capacity to maintain jurisdiction over municipal plans and development regulations.

Section 2-116.1.2 of the Code of Miami-Dade County states that "(a) The location of the Urban Development Boundary (UDB) and permitted uses outside the UDB shall be governed by the Miami-Dade County Comprehensive Development Master Plan (CDMP) notwithstanding the fact that the UDB may lie within a municipality (b) any amendments to the UDB line or land uses permitted by the CDMP shall be filed and processed in accordance with procedures for applications located within the unincorporated area (c) all municipal land use decisions outside the UDB line shall be consistent with the CDMP."

It is critical to the functioning of a metropolitan government that the County ensures that any municipality, whether through annexation or incorporation, will not infringe on the County's ability to protect resources of countywide importance and to control land uses outside the UDB. Therefore, if any area outside the UDB is to be annexed, the City shall enter into an interlocal agreement that provides enforceable assurances that the land uses that occur outside the UDB are consistent with adopted County policy.

The CDMP land use designations for the balance of the proposed annexation area (inside the UDB) are "Industrial and Office," "Business and Office," "Low Density Residential" and "Estate Density Residential."

The County's "Business and Office" land use designation accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments. The existing BU-1 Zoning and business use is consistent with the County's CDMP.

Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of residential or mixed use developments, are not out of character with that of adjacent or adjoining development and zoning.

The County's "Industrial and Office" land use designation allows industries, manufacturing operations, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, merchandise marts and similar uses. The existing IU-1 and IU-2 Zoning and industrial use is consistent with the County's CDMP.

8

The County's "Estate Density Residential" land use designation allows residential uses at a density range of 1 to 2.5 dwelling units per acre. The County's "Low Density Residential" designation allows residential uses at a density of 2.5 to 6 dwelling units per acre.

"The City's proposed land use designations for the balance of the proposed annexation area (inside the UDB) are "Industrial," "General Business," and "Neighborhood Retail."

The City has amended its original application to delete the residential land use designation from the area bounded by NW 97 Avenue, NW 137 Street, NW 138 Street and NW 107 Avenue. The County's CDMP land use designations for this area are "Business and Office," "Low Density Residential" and "Estate Density Residential."

The Boundaries Commission shall also consider the following guidelines:

1. Will this annexation divide a historically recognized community?

The proposed annexation area is entirely located outside a Census Designated Place (CDP). The City of Hialeah Gardens is located immediately to the east and south of a portion of the proposed annexation area while the Town of Medley is located immediately to the south.

2. Is the annexation compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed?

The area is predominantly used for rock mining, agriculture and solid waste dumping activities with a small (24-acre) pocket of sparsely residentially developed land located between NW 97 and NW 107 Avenues. The existing underlying zoning would permit compatible development. Planned land uses for the portion of the annexation area inside the UDB are compatible with the current and planned land uses within the City of Hialeah Gardens. Planned land uses for the portion outside the UDB will continue as defined by the CDMP "Open Land" designation, including rock mining and some scattered solid waste (clean construction) landfill sites.

The Planning Department has recommended that the City enter into an interlocal agreement with the County that provides for enforceable assurances regarding land uses outside the UDB.

3. Will the area, if currently qualified, continue to be eligible for any

benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies?

The annexation area is currently not part of federal or state enterprise zones, or targeted areas assistance provided by federal, state and local government agencies.

4. Will the annexation impact public safety response times?

The proposed annexation will not have any negative or significant impact on the Miami-Dade Police Department's ability to service the remaining unincorporated area.

The Miami-Dade Fire Rescue District is not negatively affected either.

5. Will the annexation introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?

It is not anticipated that annexation will introduce any new barriers to municipal traffic flow.

6. Will the annexation area be served by the same public service franchises, such as cable and communication services, as the existing municipality, or will it have full access to all available municipal programming through its franchises provider?

The proposed annexation will continue to be served by the same cable television and telecommunication operators. Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within their respective boundaries. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements.

7. If the area has been identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the existing municipality indicated its preparedness to address any extraordinary means that may arise?

The entire annexation area is located in the 100-year flood plain. This means the area is a prone to flooding during FEMA's 100-year flood event. The proposed annexation area is not located inside a County designated evacuation zone.

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Planning to address extraordinary circumstances will be the municipal government's responsibility in conjunction with the County's Office of Emergency Planning.

8. Will the annexation area be connected by public transportation municipal government offices and commercial centers?

There is currently no transit service in the proposed annexation area. As the area becomes more urbanized and populated, the Office of Public Transportation Management and Miami-Dade Transit will evaluate extending service to the area.

The City may opt to use its share of the transit surtax to initiate limited circulators at an earlier date.

9. To the degree possible, would the proposed annexation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality?

Yes, the proposed annexation area is contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality. The designated schools for this annexation area are: Hialeah Gardens Elementary, Bob Graham Education Center, Miami Lakes Middle, Jose Marti Middles and Barbara Coleman High. Please be aware that this is based on existing schools. School boundaries may change with the construction of new schools.

BOUNDARIES COMMISSION RECOMMENDATION

On June 18, 2003, following a public hearing, the Boundaries Commission unanimously recommended approval of the proposed annexation area to the City of Hialeah Gardens. (see attached resolution).

PLANNING ADVISORY BOARD RECOMMENDATION

On July 21, 2003, following a public hearing, the Planning Advisory Board unanimously recommended approval of the proposed annexation conditioned upon an interlocal agreement in which the City agrees to the following:

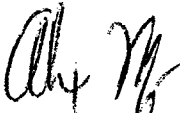
- to pay debt service related to the Stormwater Utility Revenue Bonds;
- to mitigate 100-percent of the adverse impact to the UMSA budget for the Northwest Commercial Business Industrial within the proposed annexation boundaries, and that the mitigation calculation be based on a millage rate of .506 mills;

- to adhere to the County's Comprehensive Development Master Plan process for Urban Development Boundary (UDB) changes and for land uses outside the UDB; and
- that there will be no residential land use designation or uses within the annexation area. (see attached resolution)

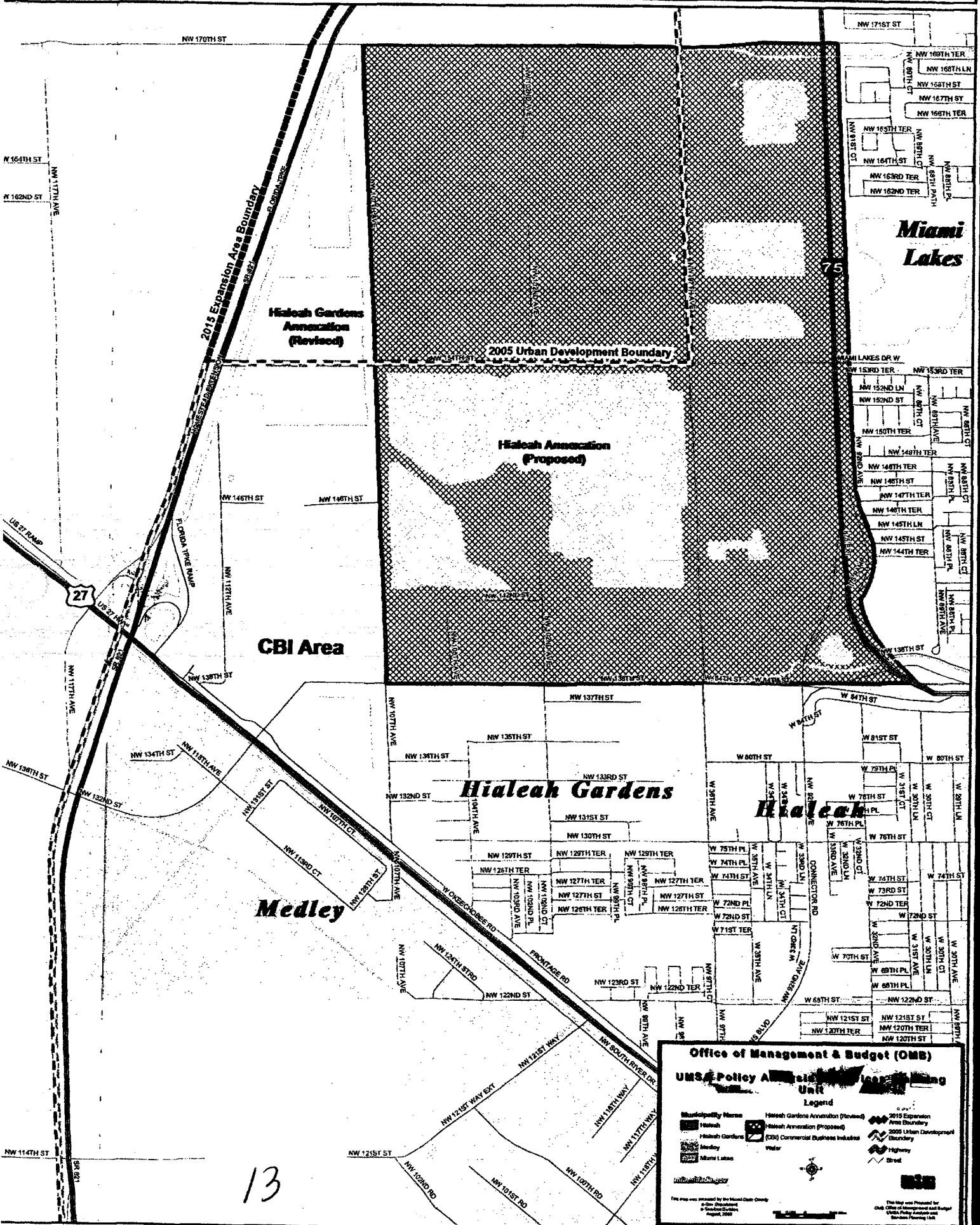
Attachment - Map

Attachment - Boundaries Commission resolution

Attachment - Planning Advisory Board Resolution



Alex Muñoz, Assistant County Manager



Office of Management & Budget (OMB)
UMSA Policy Analysis and Planning Unit

Legend

- Hialeah
- Hialeah Gardens
- Medley
- Miami Lakes
- Hialeah Gardens Annexation (Revised)
- Hialeah Annexation (Proposed)
- CBI Commercial Business Includes
- 2013 Expansion Area Boundary
- 2005 Urban Development Boundary
- Highway
- Street

This map was prepared by the Miami-Dade County Office of Management and Budget, UMSP Policy Analysis and Planning Unit.

RESOLUTION OF THE MIAMI-DADE COUNTY BOUNDARIES
COMMISSION RECOMMENDING APPROVAL OF THE PROPOSED
ANNEXATION INTO THE CITY OF HIALEAH GARDENS

WHEREAS, the City of Hialeah Gardens petitioned for the annexation of the area generally described as the area bounded on the north by NW 170th Street, on the south by the Miami Canal, on the west by the Homestead Extension of the Florida Turnpike and on the east by NW 107th Avenue into the City of Hialeah Gardens; and,

WHEREAS, on December 17, 2002, the Board of County Commissioners referred this application to the Boundaries Commission; and,

WHEREAS, on February 26, 2003, the Boundaries Commission held an advertised public meeting and deferred consideration of the proposed annexation; and

WHEREAS, on May 20, 2003, the City of Hialeah Gardens submitted amendments to the annexation request revising the boundaries of the proposed annexation area; and,

WHEREAS, on April 9, 2003, Boundaries Commission held an advertised public meeting and deferred action on the proposed annexation; and

WHEREAS, on June 18, 2003, the Boundaries Commission held an advertised public meeting;

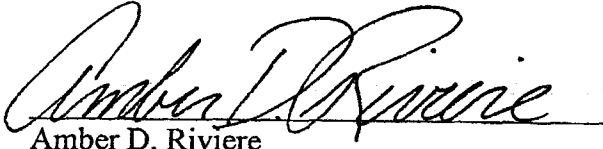
NOW, THEREFORE BE IT RESOLVED that the Miami-Dade County Boundaries Commission recommends APPROVAL of the proposed annexation area into the City of Hialeah Gardens.

The foregoing resolution was offered by Jose Luis Castillo who moved its adoption. The motion was seconded by Ian Martinez and upon being put to a vote it passed unanimously.

Dr. Shirley Merlin West	Absent	Robert Connor	Yes
Manuel Alvarez	Absent	Manuel A. Huerta Jr.	Yes
Irma Plummer	Yes	Daniel Lavan	Yes
Carlos Batista	Absent	Norman Powell	Yes
Jose Luis Castillo	Yes	Edward G. McCue	Absent
Ian Martinez, Esq.	Yes	Dr. Robert Wolf	Yes

The Chair thereupon declared the resolution duly passed and adopted this 18th day of June, 2003.

The foregoing action was taken by the Boundaries Commission at the conclusion of its public hearing on June 18th, 2003 and is certified correct by Amber Riviere, Board Secretary of the Boundaries Commission.


Amber D. Riviere
Board Secretary

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING
ADVISORY BOARD RECOMMENDING APPROVAL OF THE
APPLICATION FOR THE ANNEXATION OF PROPERTY TO
THE CITY OF HIALEAH GARDENS.

WHEREAS, the City of Hialeah Gardens has petitioned for the annexation of the area generally described below:

Area: Eastern Boundary: NW 107th Avenue;
Southern Boundary: Miami Canal;
Western Boundary: Homestead Extension of the Florida Turnpike;
Northern Boundary: NW 170th Street and the Florida Turnpike; and

WHEREAS, the Board of County Commissioners referred the application to the Planning Advisory Board (PAB); and

WHEREAS, on June 18th, 2003 the Boundaries Commission recommended approval of the proposed annexation; and

WHEREAS, on July 21st, 2003 the Planning Advisory Board held an advertised public hearing concerning the area generally described below:

Area: Eastern Boundary: NW 107th Avenue;
Southern Boundary: Miami Canal;
Western Boundary: Homestead Extension of the Florida Turnpike;
Northern Boundary: NW 170th Street and the Florida Turnpike; and

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD, that it recommends approval of the application from the City of Hialeah Gardens (City) to annex the proposed area, and that an inter-local agreement be entered into between the City and Miami-Dade County in which the City agrees to the following: (1) that the City pay the debt service related to the Storm-water Utility Revenue Bonds; (2) that the City mitigate 100 percent of the adverse impact on the UMSA budget for the Commercial, Business and Industrial (CBI) area, and that the mitigation calculation be based on a millage rate of .506 mills; (3) that the City adhere to the County's Comprehensive Development Master Plan process for Urban Development Boundary (UDB) changes and for land uses outside the UDB; and (4) that there will be no residential land use designations or uses within the annexation area.

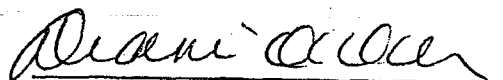
The forgoing resolution was offered by Board Member Wayne Rinehart, who moved its adoption. The motion was seconded by Board Member Gonzalo Sanabria, and upon being put to a vote, the vote was as follows:

Dorothy Cook	Absent	Al Maloof	Absent
Antonio Fraga	Yes	Wayne Rinehart	Yes
Charles George	Absent	Alicio Piña	Absent
Tim Hyman	Absent	Gonzalo Sanabria	Yes
Rod Jude	Yes	Christi Sherouse	Yes
Carlos Lopez-Cantera	Yes	Jay Sosna	Absent

Shirlyon McWhorter, Chair Yes

The Chair thereupon declared the resolution duly passed and adopted this 21st day of July, 2003.

The foregoing action was taken by the Planning Advisory Board at the conclusion of its public hearing on July 21st, 2003 and is certified correct by Diane O'Quinn Williams, Executive Secretary of the Planning Advisory Board.



Diane O'Quinn Williams
Executive Secretary